

### COMMUNICATION

The communication filed on 7/31/2008 is not fully responsive to the prior Office Action because Applicant has not completely elected a species within the genus of sustained release carrier. Applicant's representative was contacted via telephone to correct the defect in the election. Applicant's representative needed additional time to contact the inventor. No additional election was made at this time. A record of the telephone conversation is attached to this communication.

The restriction requirement mailed 5/29/2008 required election a sustained release carrier specified as to being a sustained release coating or else incorporated into a matrix. For example, applicant might elect alkylcellulose incorporated into a matrix.

Applicant is further reminded a complete reply to a restriction requirement must include a new listing of all claims readable the properly elected species in accordance with MPEP § 809.02(a).

Since the above-mentioned reply appears to be bona fide, applicant is given ONE(1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER M. GROSS whose telephone number is (571)272-4446. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached on 571 272 0951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1639

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher M Gross  
Examiner  
Art Unit 1639

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/ Christopher S. F. Low /  
Supervisory Patent Examiner, Art Unit 1639